

PATENT
09/915,465

D. REMARKS

Interview Summary

On February 24, 2005 at 11 AM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Hassan. No exhibits were shown, nor demonstrations conducted.

With regard to the claims, the prior art cited by the Examiner in a 102(e) and 103(a) rejection against claims 1-30 is Simonoff (US Patent Number 6,463,460).

Applicants' representative and the Examiner discussed a proposed amendment to claim 1 which would clarify that a "messaging session" is an "instant messaging session". In particular, Applicants' representative requested that the Examiner indicate whether he would interpret the White Board system of Simonoff as teaching an "instant messaging session". The Examiner responded that the term "instant messaging session" would be interpreted broadly and that col. 1, lines 48-63 of Simonoff would read on an "instant messaging session". Col. 1, lines 48-63 describes a system with communication channels available to interconnect various computers. In particular, the Examiner stated that any system with collaboration could read on instant messaging. Applicants' representative disagreed with the interpretation of the scope of the term "instant messaging session" because the mere connection of computers via a network does not teach an instant messaging session. In addition, Applicants' representative argued that an "instant messaging session" is defined by the Microsoft Computer Dictionary and in the specification as not merely the interconnection of computers via a network, but requires an instant messaging service that supports a particular type of real-time communication. In conclusion, no agreement with respect to the claims was reached. Applicants are filing this response with the amended claims for further review by the Examiner. In particular, following the interview, Applicants chose the clarifying term "chat", rather than "instant" and amend claim 1 to clarify that Simonoff does not teach the invention. "Chat" is defined as "real-time conversation via computer" in the Microsoft Computer Dictionary (5th Edition, 2002, p. 97).

AUS920010393US1

14

PATENT
09/915,465***Information Disclosure Statement***

The Examiner notes that the Information Disclosure Statement filed July 26, 2001 was received and considered by the Examiner.

Specification

The Examiner objected to the specification because of the informalities on page 1, line 10 through page 2, line 2 which the Examiner notes should be updated with the current status of the cited application. [Office Action, p. 2] Applicants have amended the specification above to include the application serial numbers of the related cross-references as requested by the Examiner. Responsive to the correction of informalities, Applicants respectfully request removal of the objection.

35 USC § 102(e)**Claims 1-27**

Claims 1-5, 8-12, 15-18, and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Simonoff (US Patent Number 6,463,460). [Office Action, p. 2] The rejection is respectfully traversed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed Cir. 1987).

Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoeckma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because Simonoff does not teach each and every element of amended claims 1-5, 8-12, 15-18, and 21 or enable each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claims 1, 9, and 16

Independent method claim 1, which is representative of independent system claim 9 and independent computer program product claim 16, with regard to similarly recited subject matter and rejection, reads as follows:

AUS920010393US1

15

PATENT
09/915,465

1. (Currently Amended) A method for recording a messaging session, said method comprising the steps of:

enabling a particular user to edit a particular messaging entry from among a plurality of message entries in a first record of said plurality of message entries previously submitted in a messaging session, wherein at least one other user has participated in said messaging session with said particular user, wherein said messaging session facilitates said plurality of message entries during chat communications between said particular user and said other user; and

saving said edit to said messaging entry with said first record of said messaging session as a final record of said messaging session, such that said particular user is enabled to edit said first record of said messaging session prior to saving [as a] said final record.

Applicants respectfully assert that Simonoff does not teach, expressly or inherently, or enable the invention of amended claims 1, 9, and 16 because Simonoff does not teach or enable the elements of enabling a particular user to edit a particular messaging entry from among a plurality of message entries in a first record of said plurality of message entries previously submitted in a messaging session, wherein said messaging session facilitates said plurality of message entries during chat communications between said particular user and said other user or saving said edit to said messaging entry with said first record of said messaging session as a final record of said messaging session. Because Simonoff does not teach or enable the invention of amended claims 1, 9, and 16, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

In particular, with respect to claims 1, 9, and 16, the Examiner cited Simonoff, col. 18, lines 12-31 and col. 25, lines 25-37 as teaching the original elements of claims 1, 9, and 16. [Office Action, p. 3] Applicants have amended the claims to clarify that the invention is distinguishable from Simonoff and therefore traverse the amended elements in view of Simonoff.

In general, Simonoff teaches a collaboration system with a "White Board" on which multiple users can share information in the form of data objects, including text, images, and computer generated displays, of consolidated tactical information. (Simonoff, col. 1, lines 25-31). The specification distinguishes between text objects, which are shared on the "White Board" and chat room based text, which is graphically displayed separate from the data objects

AUS920010393US1

16

PATENT
09/915,465

displayed on the collaborative “White Board” area (*See* Simonoff, col. 4, lines 53-57 describing a text object as a type of shared data object; col. 11, lines 8-15 describing the chat box into which chat text is entered as a separate graphical element that can be shown and take up white board space or hidden to free up white board space; col. 11, lines 30-35 distinguishing between transmissions from the “White Board” (i.e. data objects) and chat text; col. 13, lines 10-38 and col. 14, lines 26-27 describing the selectable data objects under the pull down window 1004 for placement on the “white board” including different types of text objects as graphically distinguishable from a chat room 1012). In addition, with regard to data objects (including text objects) selectable under pull down window 1004, col. 16, lines 8-11 and lines 41-49 and Col. 17, lines 39-54 of Simonoff teaches that a wrapper object is created for each data object selected under pull down window 1004, but not for text entered via chat room 1012 (Col. 16, lines 8-11 and lines 41-49 reads:

“As will be discussed more fully below, selection of an object from the resource list depicted in FIG. 7 creates an empty wrapper, which wrapper is assigned a unique identifier and which wrapper contains the selected object label. [] It should be mentioned here that the White Board system, i.e. both White Board client and White Board server, keeps track of all the wrapper objects to be displayed in their respective order via a vector. The vector advantageously stores a unique hash table lookup key for each object, i.e., each object in the hash table is referred to via a wrapper object. Thus, the wrapper object tells the White Board the kind of object to display, its location, size, and other characteristics.” and

Col. 17, lines 39-54 reads:

“When a user does something on the White Board or when the user chats with other White Board users, the White Board client sends the action via a command to the White Board server. The White Board server then relays the command on to other White Board clients, assuming that the other White Board clients have the correct security privilege to receive and execute the command. Every command is time stamped by the White Board server and contains the action, its privilege, the originating user, machine address, port number, and object specific data sufficient to recreate the same object remotely. In other words, the White Board server time stamps each wrapper object so that the White Board system can afterwards determine when the wrapper object was created and when the wrapper object was modified, and stores a copy of the wrapper object on the White Board server.”).

AUS920010393US1

17

PATENT
09/915,465

Col. 18, lines 12-31 of Simonoff, as cited by the Examiner, only refers to how the White Board handles editing of wrapper objects (including text objects which are distinguishable from chat text) as defined by the wrapper (Col. 18, lines 12-19 read:

“It will be appreciated that the White Board contents can be changed simultaneously by multiple users with one exception. The wrapper around each object allows the White Board system to establish read/write privileges on objects to be displayed on the White Board. The text area object demonstrates this behavior. It permits only the author who placed the text area on the White Board to type text into that particular text area object.)

In addition, col. 25, lines 25-37 of Simonoff, as cited by the Examiner, only refers to how the White Board handles the logging and storage of white board data which is defined as all relayed objects, not chat text (Col. 25, lines 24-30 read:

“The White Board system advantageously includes a specialized White Board server to support White Board functionality. For example, the White Board server provides data logging and stores white board data, i.e. data on all relayed objects. This storage capability permits the user or system administrator to save the White Board session for later playback and/or critiquing.”)

Therefore, Applicants respectfully assert that Simonoff teaches a White Board system that specifically distinguishes between a first display area for data objects which are editable as specified in a wrapper and a second display area for a chat room where users can communicate through chat text. In addition to Simonoff distinguishing between data objects and chat text, Applicants assert that chat communications are distinguishable from the data objects displayed in the White Board of Simonoff. In particular, the Microsoft Computer Dictionary defines chat as “real-time conversation via computer” (5th Edition, 2002, p. 97). There is a conversational element to the term “chat” that is distinguishable from merely posting independent data objects within a display area.

In view of the foregoing, Applicants respectfully assert that Simonoff does not teach or enable editing of chat text entries entered in the chat room. Further, Simonoff does not teach or enable logging or storage of a record of edits to chat text previously entered in the chat room. In contrast, the present invention teaches enabling a user to edit previously submitted entries in a chat based messaging session while the messaging session is still ongoing so that the final saved

AUS920010393US1

18

PATENT
09/915,465

record of the session includes the edits to previously submitted message entries. Applicants note that the specification supports the clarification that a messaging session facilitates message entries entered during a chat communication throughout the entire specification, and in particular on page 2, line 27 through page 3, line 7 and page 8, lines 3-13. Therefore, Applicants respectfully assert that because Simonoff does not teach or enable enabling a particular user to edit a particular messaging entry from among a plurality of message entries in a first record of said plurality of message entries previously submitted in a messaging session, wherein said messaging session facilitates said plurality of message entries during chat communications between said particular user and said other user or saving said edit to said messaging entry with said first record of said messaging session as a final record of said messaging session, Simonoff does not teach at least one element of claims 1, 9, and 16. Because Simonoff does not teach, expressly or inherently, or enable at least one element of claims 1, 9, and 16, Simonoff does not anticipate claims 1, 9, and 16 and the claims should be allowed.

Claims 2-5, 8, 10-12, 15, 17-18, and 21

Because Simonoff does not anticipate claims 1, 9, and 16, at least by virtue of their dependency on claims 1, 9, and 16, Simonoff does not teach or enable the features of dependent claims 2-5, 8, 10-12, 15, 17-18, and 21 under 35 U.S.C. §102 (e). Because anticipation is not established for claims 2-5, 8, 10-12, 15, 17-18, and 21, Applicants respectfully request allowance of claims 2-5, 8, 10-12, 15, 17-18, and 21.

In addition, with regards to claims 4-5, 11-12, and 17-18, Applicants amend these claims to maintain antecedent basis responsive to the amendments in claims 1, 9, and 16.

In addition, with regards to claims 4, 11, and 17, the Examiner cites col. 19, lines 12-31 as teaching “allowing editing by said particular user, enabling said particular user to edit said messaging entry.” [Office Action, p. 3] Claim 4 actually includes the limitation of in response to channel options for said messaging session allowing editing by said particular user, enabling said particular user to edit said particular messaging entry. Thus, the Examiner does not address the limitation of in response to channel options for said messaging session allowing editing by said particular user in claims 4, 11, and 17. In addition, col. 19, lines 12-31, as cited by the
AUS920010393US1

PATENT
09/915,465

Examiner, describes hashing tables with the hash codes calculated for data objects to uniquely identify each object on a "White Board". Hashing tables with hash codes for objects does not teach enabling a particular user to edit a particular messaging entry. Further, identifying objects by hash codes does not teach enabling a particular user to edit a particular messaging entry responsive to channel options for the messaging session allowing editing. In conclusion, because Simonoff does not teach at least one element of claims 4, 11, and 17, expressly or inherently, Simonoff does not anticipate claims 4, 11, and 17 and the claims should be allowed.

In addition, with regards to claims 8, 15, and 21, Applicants amend claims 8, 15, and 21 to clarify that a currently displayed record of the messaging session available to at least one other user is updated to indicate the edit of a particular message entry. Applicants note that the specification supports the amended clarification throughout, and in particular, on page 8, lines 12-18 and page 15, lines 6-10. In particular, the Examiner cites col. 17, lines 39-59 of Simonoff as teaching "distributing the messaging session with the edit to the message entry to at least one other user." [Office Action, p. 4] Applicants assert that Simonoff may teach distributing chat text to other users, but does not teach updating the displayed record of a chat communication based messaging session available to another user to distinguish the edit of a chat communication message entry from the messaging entry as originally submitted. In conclusion, because Simonoff does not teach at least one element of claims 8, 15, and 21, expressly or inherently, Simonoff does not anticipate claims 8, 15, and 21, and the claims should be allowed.

*35 USC § 103(a)***Claims 6, 7, 13, 14, 19, 20, and 22-30**

The Final Office Action rejects claims 6, 7, 13, 14, 19, 20, and 22-30 under 35 U.S.C. §103(a) as being allegedly unpatentable over Simonoff. [Office Action, p. 4] The rejection is respectfully traversed.

Claims 6, 13, 19

AUS920010393US1

20

PATENT
09/915,465

Because Simonoff does not anticipate claims 1, 9, and 16, at least by virtue of their dependency on claims 1, 9, and 16, the combination of claims 1, 9, and 16 with dependent claims 6, 13, and 19 does not satisfy the requirements for obviousness under 35 U.S.C. 103(a). Because obviousness is not established for claims 6, 13, and 19, Applicants respectfully request allowance of claims 6, 13, and 19.

In addition, with regards to claims 6, 13, and 19, dependent method claim 6, which is representative of dependent system claim 13 and dependent computer program product claim 19, with regard to similarly recited subject matter and rejection, reads as follows:

6. **(Currently Amended)** The method for recording a messaging session according to claim 1, said method further comprising the steps of:
detecting said edit to said particular messaging entry by said particular user after a conclusion of said messaging session;
 submitting a request to said at least one other user to approve said edit of said particular messaging entry; and
 in response to receiving an approval from said at least one other user, storing said final record of said messaging session with said edit of said particular messaging entry.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In particular, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Appellants respectfully assert that when considered as a whole, the references do not teach or suggest, separately or in combination, detecting said edit to said particular messaging entry by said particular user after a conclusion to said messaging session or submitting a request to said at least one other user to approve said edit of said particular messaging entry.

The Examiner cites col. 18, lines 23-25 as teaching “approving at least one other user to edit the message entry.” [Office Action, p. 4] Then, the Examiner concludes that

AUS920010393US1

21

PATENT
09/915,465

“it would have been obvious to one of ordinary skill in the art to modify the teachings of Simonoff to show submitting a request to the at least one other user to approve the edit of the messaging entry. This would have provided an efficient means for approving users to edit the messaging entry, by only approving users to edit the messaging entry from among the group of users who submit the requests.” [Office Action, p. 5]

Col. 18, lines 23-25 reads as: “Optionally, the White Board system can be made to pass write permission tokens around between the various White Board clients.” Applicants previously noted that col. 18, lines 23-25 is within a paragraph describing how the White Board system controls data objects, not chat communication based message entries. Thus, when Simonoff is considered as a whole, col. 18, lines 23-25 describe passing a write permission token around to designate users who can edit data objects, not chat communication based message entries. Because Simonoff does not teach approving a user to edit a chat communication based message entry, it also would not be obvious to modify Simonoff to teach obtaining the approval of other users before saving an edit to a message entry.

In addition, Applicants amend claim 6 to teach detecting said edit to said particular messaging entry by said particular user after a conclusion of said messaging session. The specification teaches enabling and detecting an edit of a messaging entry after a messaging session ends on page 15, lines 12-18 and page 17, lines 18-24. As previously asserted, Simonoff does not teach editing chat communication based message entries and therefore also does not teach post-chat session editing of messaging entries posted during the chat session.

Therefore, a prima facie case of obviousness under 103(a) is not established for claims 6, 13, and 19 because at least one element of claims 6, 13, and 19 is not taught and the teachings of Simonoff do not make at least one element in claims 6, 13, and 19 obvious to one of ordinary skill in the art. Because a prima facie case of obviousness under 103(a) is not established for the claims 6, 13, and 19, Appellants respectfully request allowance of claims 6, 13, and 19.

Claims 7, 14, and 20

Because Simonoff does not anticipate claims 1, 9, and 16, at least by virtue of their dependency on claims 1, 9, and 16, the combination of claims 1, 9, and 16 with dependent claims

AUS920010393US1

PATENT
09/915,465

7, 14, and 20 does not satisfy the requirements for obviousness under 35 U.S.C. 103(a). Because obviousness is not established for claims 7, 14, and 20, Applicants respectfully request allowance of claims 7, 14, and 20.

In addition, with regards to claims 7, 14, and 20, dependent method claim 7, which is representative of dependent system claim 14 and dependent computer program product claim 20, with regard to similarly recited subject matter and rejection, reads as follows:

7. **(Currently Amended)** The method for recording a messaging session according to claim 6, said method further comprising the steps of:
receiving said approval with a digital signature corresponding to said at least one other user; and
storing said digital signature with said edit of said particular messaging entry.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaack*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Appellants respectfully assert that the references do not teach or suggest, separately or in combination, receiving said approval with a digital signature corresponding to said at least one other user.

The Examiner cites col. 18, lines 12-43 as support for the statement that “the teachings of Simonoff provide a means for receiving the approval with a digital signature corresponding to the at least one other user; and storing the digital signature with the edit of the messaging entry.” [Office Action, p. 5] Applicants note that col. 18, lines 12-43 describe the White Board system for handling wrapper objects and permissions for wrapper objects and do not describe permission for chat text. Thus, when Simonoff is considered as a whole, col. 18, lines 12-43 does not provide support for receiving approval for the editing of a chat communication based messaging entry, where the approval includes a digital signature.

In addition, Applicants note that because claim 6 is not obvious, the combination of claim 6 and claim 7, in view of Simonoff is also not obvious. In particular, Applicants note that because Simonoff does not teach requiring the approval of another user of an edit already performed of a chat communicate based messaging entry before storing the edit, Simonoff also

AUS920010393US1

23

PATENT
09/915,465

does not teach or provide a means for receiving an approval of an edit of a chat communication based messaging entry with a digital signature.

Therefore, a prima facie case of obviousness under 103(a) is not established for claims 7, 14, and 20 because Simonoff does not teach at least one element in claims 7, 14, and 20 or the combination of claims 6 and 7, 13 and 14, or 19 and 20. Because a prima facie case of obviousness under 103(a) is not established for the claims 7, 14, and 20, Appellants respectfully request allowance of claims 7, 14, and 20.

Claims 22, 26, and 29

With regards to claims 22, 26, and 29, dependent method claim 22, which is representative of dependent system claim 26 and dependent computer program product claim 29, with regard to similarly recited subject matter and rejection, reads as follows:

22. **(Currently Amended)** A method for editing previously submitted message entries in a messaging session, said method comprising the steps of:
 requesting to edit a previously submitted entry from among a plurality of message entries in a messaging session, wherein said messaging session facilitates conversation through said plurality of message entries in a chat session;
 and
 in response to receiving editing authorization, submitting an edit to said previously submitted message entry, such that a recording of said messaging session is adjusted according to said edit to said previously submitted message entry.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Appellants respectfully assert that the references do not teach or suggest, separately or in combination, requesting to edit a previously submitted entry from among a plurality of message entries in a messaging session, wherein said messaging session facilitates conversation through said plurality of message entries in a chat session or submitting an edit to said previously submitted message entry, such that a recording of said messaging session is adjusted according to said edit to said previously submitted message entry.

AUS920010393US1

PATENT
09/915,465

The Examiner cites Simonoff as teaching “a method, system, and program for editing previously submitted message entries in a messaging session, said method comprising the steps of: receiving editing authorization, submitting an edit to said message entry, such that a recording to said messaging session is adjusted according to said edit to said message entry” based on col. 18, lines 12-31 and col. 25, lines 25-37. [Office Action, p. 5] The Examiner notes, however, that “although the teachings of Simonoff show substantial features of the claimed invention, they fail to expressly disclose: submitting a request to edit the message entry. Nevertheless, Simonoff does teach: approving at least one other user to edit the message entry. Col. 18, lines 23-25” [Office Action, p. 5] The Examiner concludes that “it would have been obvious to one of ordinary skill in the art to modify the teachings of Simonoff to show submitting a request to the least one other user to approve the edit of the messaging entry. This would have provided an efficient means for approving users to edit the messaging entry, by only approving users to edit the messaging entry from the group of users who submit the requests.” [Office Action, p. 6]

Applicants note that claim 22 is amended to clarify that the messaging session facilitates conversation through said plurality of message entries in a chat session, and traverse the rejection of claim 22 in view of the amended clarification. In particular, as previously described with reference to Claim 1, Simonoff distinguishes between data objects placed on a White Board and chat text facilitated by a chat room. When read as a whole, col. 18, lines 12-31 and col. 25, lines 25-37 of Simonoff describe the privileges to modify a data object and the logging and saving of data objects, not chat text. Simonoff does not teach enabling editing of chat based message entries or storing edited chat based message entries. Thus, Applicants respectfully submit that Simonoff does not teach “approving at least one other user to edit the message entry” where the message entry is previously entered in a chat based messaging session or submitting an edit to a previously entered message entry where the message entry is previously entered in a chat based messaging session. In addition, because Simonoff does not teach “approving at least one other user to edit the message entry”, Applicants assert that it would not be obvious to one with ordinary skill in the art at the time of the invention to modify Simonoff to “show submitting a request to the at least one other user to approve the edit of the messaging entry.” Therefore, a

AUS920010393US1

PATENT
09/915,465

prima facie case of obviousness under 103(a) is not established for claims 22, 26, and 29 because Simonoff does not teach at least one element in claims 22, 26, and 29. Because a prima facie case of obviousness under 103(a) is not established for the claims 22, 26, and 29, Appellants respectfully request allowance of claims 22, 26, and 29.

Claims 23-25, 27, 28, and 30

Because claims 22, 26, and 29 are not obvious in view of Simonoff, at least by virtue of their dependency on claims 22, 26, and 29, dependent claims 23-25, 27, 28, and 30 are also not obvious in view of Simonoff. Because obviousness is not established for claims 23-25, 27, 28, and 30, Applicants respectfully request allowance of claims 23-25, 27, 28, and 30.

In addition, Applicants note that claims 23 and 24 are amended to maintain proper antecedent basis by deleting "a" and adding "said".

AUS920010393US1

26

PATENT
09/915,465

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims are respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,



ON 3/1/2005

Amy J. Pattillo
Attorney for Applicants
Reg. No 46,983
P.O. Box 161327
Austin, Tx 78716
512.402.9820 *vox*
512.306.0417 *fax*

AUS920010393US1

27